

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DARYL R. HOLDEMAN,	:	
	:	NO. 1:07-CV-00464
Plaintiff,	:	
	:	
v.	:	
	:	OPINION AND ORDER
	:	
TEMA SYSTEMS, INC, et al.,	:	
	:	
Defendants.	:	

This matter is before the Court on the Report and Recommendation in which the assigned Magistrate Judge recommended that Defendants' Motion to Dismiss be granted, all pending motions be denied as moot, and this case be closed (doc. 8). For the reasons indicated herein, the Court ADOPTS the Magistrate Judge's Report and Recommendation in its entirety.

Plaintiff filed this action on June 14, 2007, against his former employer and its employees, alleging that he was illegally terminated "for asking about his HIPPA rights" in violation of Title VII (doc. 1). Thereafter, on August 17, 2007, Defendants filed a motion to dismiss and/or in the alternative, a motion for summary judgment, arguing they are entitled to summary judgment because Plaintiff executed a binding release in connection with his termination from Defendant Tema Systems, Inc. (doc. 4).

In the Report and Recommendation, the Magistrate Judge noted that Plaintiff did sign an agreement releasing Defendants from this and any claims Plaintiff may have had under Title VII (doc. 8). This release, the Magistrate Judge found, comported with

the standards established by the Sixth Circuit (Id., citing Adams v. Phillip Morris, Inc., 67 F.3d 580, 583 (6th Cir. 1995)), and therefore dismissal or summary judgment was warranted (Id., citing among others Johnson v. Hanes Hosiery, No. 94-6184, 1995 WL 329453 (6th Cir. June 1, 1995)). The Court, having fully considered this matter, finds the Magistrate Judge's Report and Recommendation well-reasoned, thorough, and correct.

The Parties were served with the Report and Recommendation and were therefore afforded proper notice of the Magistrate Judge's Report and Recommendation required by 28 U.S.C. § 636(b)(1)(C), including that failure to file timely objections to the Report and Recommendation would result in a waiver of further appeal. See United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981). Neither Party filed any objections thereto within the ten days provided for by Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1)(C).

Having reviewed this matter de novo pursuant to 28 U.S.C. §636(b), the Court ADOPTS the Magistrate Judge's Report and Recommendation in its entirety (doc. 8), GRANTS Defendants' Motion to Dismiss and/or Summary Judgment (doc. 4), and DENIES AS MOOT all other pending motions.

SO ORDERED.

Dated: January 22, 2008

/s/ S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge